

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

CIVIL ACTION FILE NO.: 4:24-cv-00112-FL

AMERICAN BUILDERS, INC.,)	
Plaintiff)	
)	
v.)	JUDGMENT
)	
)	
ALPHA PLOTTER LLC,)	
Defendant)	

This cause came before the undersigned District Court Judge presiding upon the Joint Motion for Entry of Judgment filed by Plaintiff American Builders, Inc. ("American Builders") and Defendant Alpha Plotter LLC ("Alpha Plotter") seeking entry of this Judgment. For its Order and Judgment in this action, this Court finds and concludes as follows:

1. American Builders is a North Carolina corporation which provides construction services in and around Pitt County, North Carolina.
2. Alpha Plotter is a California limited liability company which leased a commercial warehouse location in Pitt County, North Carolina at 1512 Hooker Road, Greenville, North Carolina (the "Premises").
3. On or about November 6, 2023, American Builders and Alpha Plotter entered into a written contract for American Builders' work (the "Contract").

4. After American Builders performed work pursuant to the Contract, and after Alpha Plotter made certain payments to American Builders, American Builders issued an invoice for final payment on February 22, 2024.

5. The Contract provides that interest will accrue on all overdue amounts at the rate of 18% per annum, or the maximum percentage allowed under applicable laws, whichever is less.

6. The Contract also provides that Alpha Plotter is responsible for American Builders' reasonable attorney fees.

7. American Builders has provided to Alpha Plotter the written notifications required by N.C. Gen. Stat. § 6-21.2.

8. American Builders initiated this action by filing suit against Alpha Plotter for breach of contract in Pitt County Superior Court on June 27, 2024. On the same date, American Builders applied for, and the Pitt County Superior Court issued, an "Order of Attachment" and a "Summons to Garnishee and Notice of Levy" issued to Wellspring Properties, LLC, the owner of the Premises.

9. The Order of Attachment and Summons to Garnishee and Notice of Levy related to "[a]ll machinery, equipment, wiring, tools, supplies and other tangible personal property owned by [Alpha Plotter] located at [the Premises]" (the "Attached Property").

10. This action came before this Court upon a Notice of Removal filed by Alpha Plotter on August 8, 2024.

11. Now, with the consent of both American Builders and Alpha Plotter, this Court enters Judgment against Alpha Plotter and in favor of American Builders are follows:

IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. American Builders shall have and recover of Alpha Plotter the sum of \$117,307.99 as of June 27, 2024 (representing \$111,900.00 in principal and \$5,407.99 in accrued but unpaid interest as of June 27, 2024), plus interest on the unpaid principal balance at the rate of 18% per annum from and after June 27, 2024, until the date of entry of judgment and thereafter at the legal rate until paid in full, plus attorneys' fees in the amount of \$17,596.20 (the "Judgment Amount").

2. By virtue of attachment and garnishment proceedings and orders issued by the Pitt County Superior Court, American Builders has a lien against the Attached Property and the Attached Property is subject to execution and sale in satisfaction of this Judgment against Alpha Plotter, except that American Builders and Alpha Plotter agree that the following computing-related items are owned by a third-party, and not Alpha Plotter, and so are not subject to execution:

1000 Antminer S19 Pro
511 Antminer S19 Pro+
24 Antminer jPro
740 Whatsminer M30S
48 Water cooling pads
24 Negative Pressure Exhaust Fans
3000 Antminers power cord
1 Computer
1 Ubiquiti Edgerouter X
3300 ethernet patch cables

3. American Builders may apply to this Court for a Writ of Execution directing the US Marshall to execute and sell the Attached Property to recover the Judgment Amount, subject to the exclusion identified in Decretal Paragraph 2 above.

4. Alpha Plotter is not entitled to claim any exemption as to any of the Attached Property.

5. American Builders may transcribe this Judgment to the Courts of the State of North Carolina as American Builders may deem helpful regarding the enforcement of this Judgment and the disposition of the Attached Property, subject to the exclusion identified in Decretal Paragraph 2 above.

SO ORDERED, this the 17th day of March, 2025.


LOUISE W. FLANAGAN
United States District Judge